



THE CITY OF NEW YORK  
**LAW DEPARTMENT**

100 CHURCH STREET  
NEW YORK, NY 10007

**MICHAEL A. CARDOZO**  
*Corporation Counsel*

**SARAH B. EVANS**  
*Assistant Corporation Counsel*  
Tel.: (212) 788-1041  
Fax: (212) 788-9776

March 20, 2008

**BY HAND DELIVERY AND ECF**

Honorable P. Kevin Castel  
United States District Judge  
Daniel Patrick Moynihan  
United States Courthouse  
500 Pearl Street  
New York, New York 10007

Re: George Hayes, et al. v. City of New York, et al., 07 CV 6387 (PKC) (MHD)

Your Honor:

Enclosed please find a STIPULATION AND ORDER OF SETTLEMENT AND DISCONTINUANCE which has been executed by the parties in the above-referenced matter. We respectfully request that Your Honor endorse the enclosed STIPULATION.

Thank you for your consideration in this matter.

Respectfully submitted,

Sarah B. Evans  
Assistant Corporation Counsel  
Special Federal Litigation Division

Enc.

cc: Brett Klein, Esq. (By ECF)  
Attorney for Plaintiffs  
45 Main Street, Suite 820  
Brooklyn, New York 11201

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
GEORGE HAYES AND JUSTIN HAYES,

Plaintiffs,

-against-

CITY OF NEW YORK, RICHARD TURK,  
WELLINGTON FELIZ, LORI POLLOCK, KEVIN  
SMITH, DETECTIVE "JOHN" OLIVER (Shield  
No. 7710), POLICE OFFICER "JOHN VANCE",  
POLICE OFFICER "JOHN" BAMBOLINO, and  
JOHN AND JANE DOES 1 Through 10,  
individually and in their official capacities, (the  
names of John and Jane Doe being fictitious, as the  
true names are presently unknown),

Defendants.  
-----X

**STIPULATION AND  
ORDER OF  
SETTLEMENT AND  
DISCONTINUANCE**

07 CV 6387 (PKC) (MHD)

**WHEREAS**, plaintiffs commenced this action by filing a complaint on or about July 13, 2007 and an amended complaint on or about December 14, 2007, alleging that defendants violated their constitutional rights; and

**WHEREAS**, defendants have denied any and all liability arising out of plaintiffs' allegations; and

**WHEREAS**, the parties now desire to resolve the issues raised in this litigation, without further proceedings and without admitting any fault or liability;

**WHEREAS**, plaintiffs have authorized counsel to settle this matter as against defendants on the terms enumerated below;

**NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED**, by and between the undersigned, as follows:

1. This above-referenced action is hereby dismissed with prejudice, and without costs, expenses, or fees in excess of the amount specified in paragraph "2" below.

2. Defendant City of New York hereby agrees to pay plaintiff George Hayes and plaintiff Justin Hayes, the total sum of NINETY FIVE THOUSAND DOLLARS (\$95,000) in full satisfaction of all claims, including claims for costs, expenses and attorney's fees. The settlement monies shall be allocated as follows: GEORGE HAYES, SEVENTY FIVE THOUSAND DOLLARS (\$75,000); JUSTIN HAYES, TWENTY THOUSAND DOLLARS (\$20,000). In consideration for the payment of this sum, plaintiffs agree to the dismissal of all claims against the City of New York and all individually named defendants, and to release all defendants and any present or former employees or agents of the City of New York from any and all liability, claims, or rights of action that have or could have been alleged by plaintiffs in this action arising out of the events alleged in the complaint in this action, including claims for costs, expenses and attorney's fees.

3. Plaintiffs shall execute and deliver to City defendant's attorney all documents necessary to effect this settlement, including, without limitation, a release based on the terms of paragraph "2" above and an Affidavit of No Liens or an Affidavit Concerning Liens, which ever applies.

4. Nothing contained herein shall be deemed to be an admission by defendants or the City of New York that they have in any manner or way violated plaintiffs' rights, or the rights of any other person or entity, as defined in the constitutions, statutes, ordinances, rules or regulations of the United States, the State of New York, or the City of New York or any other rules, regulations or bylaws of any department or subdivision of the City of

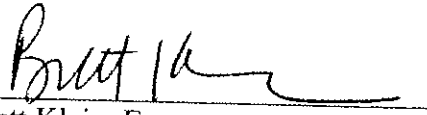
New York. This stipulation shall not be admissible in, nor is it related to, any other litigation or settlement negotiations.

5. Nothing contained herein shall be deemed to constitute a policy or practice of the City of New York.


6. This Stipulation and Order contains all the terms and conditions agreed upon by the parties hereto, and no oral agreement entered into at any time nor any written agreement entered into prior to the execution of this Stipulation and Order regarding the subject matter of the instant proceeding shall be deemed to exist, or to bind the parties hereto, or to vary the terms and conditions contained herein.

Dated: New York, New York  
\_\_\_\_\_, 2008

Brett Klein, Esq.  
Leventhal and Klein, LLP  
Attorney for Plaintiffs  
45 Main Street, Suite 820  
Brooklyn, NY 11201

By:   
Brett Klein, Esq.

MICHAEL A. CARDOZO  
Corporation Counsel of the City of New  
York  
Attorney for Defendants  
100 Church Street  
New York, New York 10007  
(212) 788-1041

By:   
Sarah B. Evans  
Assistant Corporation Counsel

SO ORDERED:

\_\_\_\_\_  
U.S.D.J.